

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

UNITED STATES OF AMERICA

v.

No. 2:19-CR-093-D

DAVIN SETH WATERS

MOTION FOR PRETRIAL DETENTION AND CONTINUANCE

The United States asks for the pretrial detention of Defendant under Title 18,  
United States Code, Sections 3142(e) and 3142(f).

1. **Eligibility of Case.** This case is eligible for a detention order under 18 U.S.C. § 3142(f) because it is a case that involves:

- \_\_\_\_\_ A crime of violence as defined in 18 U.S.C. § 3156(a)(4). (18 U.S.C. § 3142(f)(1)(A)).
- \_\_\_\_\_ An offense for which the maximum sentence is life imprisonment or death. (18 U.S.C. § 3142(f)(1)(B)).
- \_\_\_\_\_ A controlled substance offense for which the maximum sentence is 10 years or more. (18 U.S.C. § 3142(f)(1)(C)).
- \_\_\_\_\_ A felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses. (18 U.S.C. § 3142(f)(1)(D)).
- X   A felony that involves a minor victim or failure to register as a sex offender. (18 U.S.C. § 3142(f)(1)(E)).
- \_\_\_\_\_ A felony that involves the possession or use of a firearm, destructive device, or any other dangerous weapon. (18 U.S.C. § 3142(f)(1)(E)).
- \_\_\_\_\_ A serious risk defendant will flee. (18 U.S.C. § 3142(f)(2)(A)).
- \_\_\_\_\_ A serious risk defendant will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror. (18 U.S.C. § 3142(f)(2)(B)).

2. **Reason for Detention.** The Court should detain defendant, under 18 U.S.C. § 3142(e), because no condition or combination of conditions will reasonably assure:

☒ Defendant's appearance as required.  
☒ Safety of any other person and the community.

3. **Rebuttable Presumption.** The United States will invoke the rebuttable presumption against defendant under 18 U.S.C. § 3142(e). The presumption applies because there is:

☐ Probable cause to believe defendant committed 10 + year drug offense or firearms offense under 18 U.S.C. § 924(c). (18 U.S.C. § 3142(e)).

☐ Previous conviction for "eligible" offense committed while on pretrial bond. (18 U.S.C. § 3142(e)).

☐ Probable cause to believe defendant committed a federal crime of terrorism as defined by 18 U.S.C. § 2332b(g)(5). (18 U.S.C. § 3142(e)).

☒ Probable cause to believe defendant committed a qualifying offense involving a minor victim. (18 U.S.C. § 3142(e)).

4. **Time for Detention Hearing.** The United States requests the Court conduct the detention hearing:

☐ At first appearance.

☒ After continuance of three days.

☐ Moot at this time as defendant is in state custody. Hearing requested if detention becomes a viable issue.

5. **Eligibility for 10-Day Temporary Detention:** The court may temporarily detain the defendant to permit revocation of conditional release, deportation, or exclusion because:
- A. i) \_\_\_\_\_ The defendant is, and was at the time the offense was committed:
- \_\_\_\_\_ on release pending trial for a felony under federal, state, or local law;
- \_\_\_\_\_ on release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for any offense under federal, state, or local law;
- \_\_\_\_\_ on probation or parole for any offense under federal, state, or local law; or
- ii) \_\_\_\_\_ The defendant is not a citizen of the United States or lawfully admitted for permanent residence as defined at 8 U.S.C. § 1101(a)(20);
- B. And the defendant:
- \_\_\_\_\_ may flee; or
- \_\_\_\_\_ pose a danger to any other person or the community.

Respectfully submitted,

ERIN NEALY COX  
UNITED STATES ATTORNEY

/s/ Sean J. Taylor  
SEAN J. TAYLOR  
Assistant United States Attorney  
Texas Bar No. 24075147  
500 South Taylor Street, Suite 300  
Amarillo, Texas 79101  
Telephone: 806-324-2356  
Facsimile: 806-324-2399  
E-Mail: sean.taylor@usdoj.gov